APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
MOLINARI, MICHAEL J

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)	
Office Action Summary	09/694,657		SPONAUGLE ET AL.	
	Examiner		Art Unit	
	Michael J Molinari		2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
> THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
>   after SIX (6) MONTHS from the mailing date of this communication.
> - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
> - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
>   earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 July 2003_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-36_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-36_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)	
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐ Other: .	

U.S. Patent and Trademark Office

PTO-326 (Rev. 04-01)   Office Action Summary   Part of Paper No. 14

DETAILED ACTION

Claim Objections

1.   Claim 33 is objected to because of the following informalities: The claim should refer to "the" destination party. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-2, 4-14, 16-17, 19-30, and 32-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Gudjonsson et al. (U.S. Patent No. 6,564,261).

3.   Referring to claim 1, Gudjonsson et al. disclose a computer system comprising: a storage medium (GSM phone, see column 25, line 64. Could also be a PC, see column 25, line 21 or line 43) having stored therein a plurality of programming instructions to implement a set of communication services on the computer system for generating on behalf of an offeror client, an electronic token (invitation or INVITE, see column 9, lines 3-7) representing an offer to participate in a voice call (see column 3, lines 16-17) with a destination party designated by the offeror client (see column 27, line 62 through column 28, line 7), said offer to participate in said voice call not contingent on acceptance by an offeree at a prescribed time (note that the offer can

be sent to the offeree's inbox and read at an undetermined later time, see column 3, lines 14-27),

the electronic token to be transmitted by the offeror client in association with an electronic mail

message to an offeree (see column 34, lines 13-16), services for receiving on behalf of the

offeror client, through a data network link, a notification from the offeree denoting the offeree's

acceptance of the offeror client's offer (see column 26, lines 7-17), and services for causing a

voice call to be established between the destination party designated by the offeror client and the

offeree in direct response to the offeree's acceptance of the offeror client's offer (see column 26,

lines 7-17), said voice call being initiated immediately upon acceptance (see column 26, lines 7-

17); and an execution unit (PC)coupled to the storage medium for executing the plurality of

programming instructions (GSM phone, see column 25, line 64. Could also be a PC, see column

25, line 21 or line 43).

4.   Referring to claim 2, Gudjonsson et al. disclose that the offeree accepts the offeror

client's offer by activating the electronic token displayed on the offeree's computer system (see

column 26, lines 7-17).

5.   Referring to claim 4, Gudjonsson et al. disclose that the electronic token comprises a

graphical icon (Dialogue, see column 26, line 17, and note that dialog boxes are graphical icons).

6.   Referring to claim 5, Gudjonsson et al. disclose that the electronic token comprises a

URL (see column 25, lines 21-42).

7.   Referring to claim 6, Gudjonsson et al. disclose that the voice call comprises at least one

of a circuit switched call and a packet based call (see column 3, lines 14-17 and note that

arbitrary networks could include circuit switched or packet based networks).

8.   Referring to claim 7, Gudjonsson et al. disclose that the services for causing the voice

call to be established between the destination party designated by the offeror client and the

offeree, comprise services for causing a first voice call to be established with the offeree,

services for causing a second voice call to be established with the designation party designated

by the offeror client, and services for causing the first and second voice calls to be bridged to

place the offeree and the destination party designated by the offeror client in voice

communication with each other (see column 25, lines 21-42).

9.   Referring to claim 8, Gudjonsson et al. disclose that the destination party designated by

the offeror client is the offeror client (see column 25, lines 21-42).

10.   Referring to claim 9, Gudjonsson et al. disclose that the first and second voice calls each

comprise a circuit switched call (see column 26, lines 18-36).

11.   Referring to claim 10, Gudjonsson et al. disclose that the first voice call comprises a

circuit switched call and the second voice call comprises a packet based call (see column 25,

lines 43-63).

12.   Referring to claim 11, Gudjonsson et al. disclose that the first voice call comprises a

packet based call and the second voice call comprises a circuit switched call (see column 25, line

64 to column 26, line 17).

13.   Referring to claim 12, Gudjonsson et al. disclose that the first and second voice calls each

comprise a packet based call (see column 25, lines 21-42).

14.   Referring to claim 13, Gudjonsson et al. disclose that the electronic token is generated on

behalf of the offeror client based at least in part upon data provided to the computer system by

the offeror client, the data associated with at least one of a PSTN extension corresponding to the

destination party designated by the offeror client and a PSTN extension corresponding to the

offeree (see column 11, lines 44-64 and see column 25, line 21 to column 26, line 36).

15.   Referring to claim 14, Gudjonsson et al. disclose that the PSTN extension corresponding

to the offeror client is obscured to prevent the offeree from identifying the PSTN extension

associated with the destination party designated by the offeror client (see column 10, lines 28-

33).

16.   Referring to claim 16, Gudjonsson et al. disclose a method comprising: transmitting by

an offeror party in association with an electronic mail message (see column 34, lines 13-16), an

electronic token (invitation or INVITE, see column 9, lines 3-7) representing an offer to

participate in a voice call (see column 3, lines 16-17) with a destination party, said offer to

participate in said voice call not contingent on acceptance by an offeree at a prescribed time

(note that the offer can be sent to the offeree's inbox and read at an undetermined later time, see

column 3, lines 14-27); receiving by an offeree party, the electronic token representing the offer

to participate in the voice call with the destination party (see column 26, lines 2-17); receiving on

behalf of the offeror client, through a data network link, a notification from the offeree denoting

the offeree's acceptance of the offeror client's offer (see column 26, lines 7-17); and causing a

voice call to be established between the destination party designated by the offeror client and the

offeree in direct response to the offeree's acceptance of the offeror client's offer (see column 26,

lines 7-17), said voice call being initiated immediately upon acceptance (see column 26, lines 7-

17).

17.   Referring to claim 17, Gudjonsson et al. disclose that the offeree party accepts the offer

to participate in the voice call by activating the electronic token representing the offer (see

column 26, lines 7-17).

18.   Referring to claim 19, Gudjonsson et al. disclose that the electronic token comprises a

graphical icon (Dialogue, see column 26, line 17, and note that dialog boxes are graphical icons).

19.   Referring to claim 20, Gudjonsson et al. disclose that the electronic token comprises a

URL (see column 25, lines 21-42).

20.   Referring to claim 21, Gudjonsson et al. disclose that the destination party is the offeror

party (see column 25, lines 21-42).

21.   Referring to claim 22, Gudjonsson et al. disclose that the voice call comprises at least one

of a circuit switched call and a packet based call (see column 3, lines 14-17 and note that

arbitrary networks could include circuit switched or packet based networks).

22.   Referring to claim 23, Gudjonsson et al. disclose that bridging the voice call further

comprises: establishing a first PSTN call with the offeree; establishing a second PSTN call with

the destination party; and bridging the first and the second PSTN calls (see column 26, lines 18-

36).

23.   Referring to claim 24, Gudjonsson et al. disclose that bridging the voice call further

comprises: establishing a first PSTN call with the offeree; establishing a second VoIP call with

the destination party; and bridging the first PSTN call and the second VoIP call (see column 25,

lines 43-63, see column 2, lines 24-29, see column 38, lines 8-16, and see column 34, lines 50-

55).

24.   Referring to claim 25, Gudjonsson et al. disclose that bridging the voice call further comprises: establishing a first VoIP call with the offeree; establishing a second PSTN call with the destination party; and bridging the first VoIP call and the second PSTN call (see column 25, line 64 to column 26, line 17, see column 2, lines 24-29, see column 38, lines 8-16, and see column 34, lines 50-55).

25.   Referring to claim 26, Gudjonsson et al. disclose that bridging the voice call further comprises: establishing a first VoIP call with the offeree; establishing a second VoIP call with the destination party; and bridging the first and the second VoIP calls (see column 25, lines 21-42, see column 2, lines 24-29, see column 38, lines 8-16, and see column 34, lines 50-55).

26.   Referring to claim 27, Gudjonsson et al. disclose that the token is generated by a third party (Device Handler) based at least in part upon data provided to the third party by the offeror party in association with a contractual relationship previously established between the third party and the offeror party (see column 9, lines 41-61 and column 25, lines 43-63).

27.   Referring to claim 28, Gudjonsson et al. disclose that the data provided to the third party by the offeror party includes a first PSTN extension corresponding to the offeree party and a second PSTN extension corresponding to the destination party (see column 11, lines 44-64 and see column 25, line 21 to column 26, line 36).

28.   Referring to claim 29, Gudjonsson et al. disclose that the second PSTN extension is obscured to prevent the offeree party from identifying the second PSTN extension (see column 10, lines 28-33).

29.   Referring to claim 30, Gudjonsson et al. disclose that the data provided to the third party includes billing information (see column 9, lines 41-61).

30.   Referring to claim 32, Gudjonsson et al. disclose a computer system comprising: a

storage medium (GSM phone, see column 25, line 64. Could also be a PC, see column 25, line

21 or line 43) having stored therein a plurality of programming instructions to implement a set of

communication services on the computer system for receiving on behalf of an offeror client,

through a data network link, a notification from an offeree denoting the offeree's acceptance of

the offeror client's offer to participate in a voice call with a designated destination party (see

column 26, lines 7-17), the offer communicated to the offeree in association with an electronic

mail message (see column 34, lines 13-16), and for causing the voice call to be established

between the designated destination party and the offeree in direct response to the offeree's

acceptance of the offeror client's offer (see column 26, lines 7-17), said voice call being initiated

immediately upon acceptance (see column 26, lines 7-17); and an execution unit (GSM phone,

see column 25, line 64. Could also be a PC, see column 25, line 21 or line 43) coupled to the

storage medium for executing the plurality of programming instructions.

31.   Referring to claim 33, Gudjonsson et al. disclose that the destination party is designated

by the offeror (see column 27, line 62 through column 28, line 7).

32.   Referring to claim 34, Gudjonsson et al. disclose that the offeree party accepts the offer

to participate in the voice call by activating the electronic token representing the offer (see

column 26, lines 7-17).

33.   Referring to claim 35, Gudjonsson et al. disclose that the services for causing the voice

call to be established between the designated destination party and the offeree, comprise services

for causing a first voice call to be established with the offeree, for causing a second voice call to

be established with the designated destination party, and for causing the first and second voice

calls to be bridged to place the offeree and the designated destination party in voice

communication with each other (see column 25, lines 21-42).

34.   Referring to claim 36, Gudjonsson et al. disclose a computer system comprising: a

storage medium (GSM phone, see column 25, line 64. Could also be a PC, see column 25, line

21 or line 43) having stored therein a plurality of programming instructions to implement a set of

communication services on the computer system for generating on behalf of an offeror client, an

electronic token (invitation or INVITE, see column 9, lines 3-7) representing an offer to

participate in a voice call with a designated destination party, the electronic token to be

transmitted to an offeree in association with an electronic mail message (see column 34, lines 13-

16) and services for causing a voice call to be established between the destination party

designated by the offeror client and the offeree in response to the offeree's acceptance of the

offeror client's offer (see column 26, lines 7-17), said voice call being initiated immediately

upon acceptance (see column 26, lines 7-17); and an execution unit (GSM phone, see column 25,

line 64. Could also be a PC, see column 25, line 21 or line 43) coupled to the storage medium

for executing the plurality of programming instructions.

Claim Rejections - 35 USC § 103

35.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

36.   Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gudjonsson et al. (U.S. Patent No. 6,564,261).

37.   Referring to claims 3 and 18, Gudjonsson et al. differ from claims 3 and 18 in that they

fail to disclose that activating the electronic token comprises selecting the electronic token with a

user input device. However, the examiner takes official notice that the use of user input devices

in PC systems such as that described by Gudjonsson et al. is well known in the art and it would

have been obvious to one with ordinary skill in the art at the time of the invention to use a user

input device with the PC system described by Gudjonsson to activate the electronic token.

38.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson et al.

as applied to claim 7 above, and further in view of DeSimone (U.S. Patent No. 6,175,619).

39.   Referring to claim 15, Gudjonsson et al. differ from claim 15 in that they fail to disclose

programming instructions to implement services for receiving payment information from the

offeror client in association with at least one of the first and second calls, and services for

verifying the ability of the offeror client to pay an indicated amount, prior to causing the first and

second voice calls to be bridged. However, providing billing information when setting up a

conference call is old and well known in the art. For example, DeSimone teaches providing

billing information when setting up a conference call (see column 2, lines 44-56), which has the

advantage of enabling the provider of the service to collect fees for the service. One skilled in

the art would have recognized the advantage of providing billing information when setting up a

conference call as taught by DeSimone. Therefore, it would have been obvious to a person with

ordinary skill in the art at the time of the invention to incorporate providing billing information

when setting up a conference call as taught by DeSimone into the invention of Gudjonsson et al.

to achieve the advantage of enabling the provider of the service to receive payment for providing the service. Furthermore, the Examiner takes official notice that payment verification when using credit cards is old and well known in the art and has the advantage of saving the service provider money by preventing fraud. One skilled in the art would have recognized the advantage of payment verification. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate payment verification into the invention of Gudjonsson et al. in view of DeSimone to achieve the advantage of saving the service provider money.

40.   Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson et al. as applied to claim 30 above, and further in view of DeSimone (U.S. Patent No. 6,175,619).

41.   Referring to claim 31, Gudjonsson et al. differ from claim 31 in that they fail to disclose that the voice call is bridged only after payment verification is received by the third party from an independent party assuring that the offeror party will pay for the cost of the call. However, the Examiner takes official notice that payment verification when using credit cards is old and well known in the art and has the advantage of saving the service provider money by preventing fraud. One skilled in the art would have recognized the advantage of payment verification. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate payment verification into the invention of Gudjonsson et al. in view of DeSimone to achieve the advantage of saving the service provider money.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Molinari whose telephone number is (703) 305-5742. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Michael Joseph Molinari
August 11, 2003

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